

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**RESPONSE OF THE PUERTO RICO FISCAL AGENCY AND FINANCIAL
ADVISORY AUTHORITY TO ORDER GRANTING MOTION TO SEAL FOR
LIMITED DURATION AND FOR SUPPLEMENTAL BRIEFING [ECF NO. 18291]**

To the Honorable United States Magistrate Judge Judith G. Dein:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), as fiscal agent for the Commonwealth of Puerto Rico (the “Commonwealth”), respectfully submits this brief in response to the Court’s *Order Granting Motion to Seal for Limited Duration and for Supplemental Briefing* [ECF No. 18291] (“Order”). In response to the Order, AAFAF respectfully states as follows.

1. On September 24, 2021, the DRA Parties² filed the *Urgent Motion of DRA Parties to File Under Seal Certain Portions of Its Reply to the Objection of Financial Oversight and Management Board for Puerto Rico to Dra Parties’ Motion for Allowance of Administrative Expense Claim*, ECF No. 18245 (“Urgent Motion”).

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

² “DRA Parties” has the meaning ascribed in the Urgent Motion

2. In the Urgent Motion, the DRA Parties moved to file under seal and in redacted form the *DRA Parties' Reply to the Objection of Financial Oversight and Management Board for Puerto Rico to DRA Parties' Motion for Allowance of Administrative Expense Claim*, ECF No 18244, as well as an exhibit, the Expert Report of Lizette Martinez ("Martinez Report") attached thereto (together, the "Reply").

3. The Urgent Motion explains the reason for seeking sealed and redacted treatment of the Reply and Martinez Report is that "[s]ignificant portions of the analysis and conclusions in the Martinez Expert Report" rely on and refer to Confidential Data³ under the Protective Orders.⁴

4. On September 29, 2021, the Court entered the Order, allowing the DRA Parties to file the Reply and Martinez Report under seal for limited duration. The Order noted that the Urgent Motion "does not include sufficient information to justify sealing of the Reply," and stated that "[a]ny party may file with the Court a short brief justifying the continued sealing of the Reply or redaction of certain information in the Reply by October 8, 2021."

5. AAFAF does not object to the DRA Parties' filing the Reply on the public docket, provided the DRA Parties redact personally identifying information as set forth in Federal Rule of Bankruptcy Procedure 9037 ("Privacy Protection for Filings Made with the Court").

WHEREFORE, AAFAF respectfully requests that this Court direct public filing of the Reply with redactions made pursuant to Federal Rule of Bankruptcy Procedure 9037.

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³ "Confidential Data" has the meaning ascribed in the Urgent Motion.

⁴ "Protective Orders" has the meanings ascribed in the Urgent Motion.

Dated: October 8, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Peter Friedman

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case

/s/ Luis C. Marini-Biaggi

Luis C. Marini-Biaggi